## **BEFORE**

## THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

DOCKET NO. 98-390-W - ORDER NO. 98-676

## SEPTEMBER 2, 1998

IN RE:	Acquisition of Blue Ribbon Water	)	ORDER
	Corporation by Utilities of South Carolina,	)	APPROVING
	Inc.	)	STIPULATION

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of the Consumer Advocate for the State of South Carolina (the Consumer Advocate) for approval of a Stipulation between itself and Utilities of South Carolina (USCI) and Blue Ribbon Water Corporation (Blue Ribbon). The signature of a representative of the Commission Staff is also requested, but such a signature may not be affixed until after approval by this Commission, if such is given.

The Stipulation describes, in part, the following facts. On July 29, 1998, the Consumer Advocate requested that this Commission schedule a hearing on the acquisition of the stock of Blue Ribbon by USCI, based on his assertion that Regulation 103-704 authorizes and requires the Commission to rule on such a transfer. The Commission specifically rejected this view with regard to the acquisition of the stock of Upstate Heater Utilities, Inc. by USCI in our Order Nos. 98-541 and 98-600. The Stipulation states that the Consumer Advocate believes that it is in the public interest to allow the transfer of Blue Ribbon to USCI to proceed, however, the Consumer Advocate

wishes to preserve his rights to challenge the Commission's decision regarding the transfer of Upstate Heater to USCI.

Therefore, the Consumer Advocate states that, upon approval of this Stipulation by us, he will withdraw his Petition to Establish Docket in this proceeding. The parties to the proceeding will then agree that the withdrawal of the Petition regarding Blue Ribbon will not be asserted to be a waiver of the Consumer Advocate's right to challenge the Commission's interpretation of Regulation 103-704 and its rulings in the matter concerning the transfer of the stock of Upstate Heater to USCI, and that the parties will not assert any waiver in subsequent proceedings on that matter. Further, if approved, the Stipulation will not have any precedential value, nor will any parties contend that any such precedent was established.

We have examined the terms of the Stipulation, and hold that it should be approved in its entirety. Staff may sign as a party to the Stipulation. By the terms of the Stipulation, the Consumer Advocate will not be prejudiced in the Upstate Heater docket if he withdraws his Blue Ribbon Petition.

This Order shall remain in full force and effect until further Order of the

Commission.

BY ORDER OF THE COMMISSION:

Chairman

ATTEST:

Acting Executive Director

(SEAL)